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November 5, 1991

Robert J. Sugarman, Esquire  
Sugarman & Associates  
7th Floor, Robert Morris Building  
100 North 17th Street  
Philadelphia, PA 19107

RE: Rohrbach v. AT&T Nassau Metals Corporation  
Our File No. 494/1518

Dear Mr. Sugarman:

This refers to your letter dated October 22, 1991 in which you state that "you would like to arrange a new date for soil sampling" at the Lurgan/C&D site, with November 25, 1991 as the proposed date. Defendants, AT&T Nassau Metals Corporation (Nassau) and American Telephone and Telegraph Company (AT&T) will be glad to accommodate you on the 25th if that can be arranged or on another date of mutual convenience. However, as we stated on a number of occasions (see letters dated April 19, 1991, July 25, 1991, August 15, 1991, and August 20, 1991) prior to your last request, Nassau and AT&T will not agree to a further site inspection without your providing, before a date is agreed upon, the detail with respect to the following:

- (1) Who will be performing the sampling;
- (2) What other persons will be present, other than the samplers;
- (3) Whether you will agree to split samples with the defendants; and
- (4) What you intend to sample (air, soil, water), locations you intend to sample, and the number of samples to be taken.

Please bear in mind that if any type of sampling other than soil sampling is to be performed, we must know well in advance so that the necessary arrangements can be made. Also, as we have already informed you, certain of the wells on the site are not monitoring wells but are existing hand-dug wells which may have been in

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existence for quite some time. Accordingly, samples from these wells may produce inconsistent results. It will be your responsibility to provide the equipment necessary to purge those wells for sampling.

Furthermore, once we have this information then it will be necessary for you to obtain permission from the site owner, C&D Recycling, to enter the site and you will have to coordinate with Michael Towle of EPA.

As we discussed with respect to the last sampling performed at the site in August of this year, if you will not agree to split samples, we will have personnel available to perform duplicate sampling as near as possible to your sample locations, so that we may either confirm or refute the results which your sampling produces.

In addition to furnishing the information requested above, you must agree to comply with the conditions and requirements for sampling established by the EPA. Specifically, as we have previously discussed, in order to take samples at the site, you must comply with Hart's "Health and Safety Plan" and with EPA's sampling protocol.

According to the Health and Safety Plan, any person performing sampling on the site will be required to:

1. Possess a certificate of having completed the 40 hour OSHA training course designed for field workers;
2. Have a certificate showing completion of the yearly update course;
3. Abide by the Health and Safety Plan designed for taking samples at the C&D site which would include wearing and using proper protective clothing);
4. Request permission from Mr. Michael Towle at U.S. EPA Region III to take samples, identifying the sampling date and providing a description of how and where the samples will be taken. (Although permission was previously received for the August, 1991 sampling, it is our understanding that the permission applied only to the sampling performed on that date).

Moreover, as we have earlier informed you, pursuant to the consent orders with EPA, Nassau was required to submit a formal work plan to EPA, through Hart, describing the sampling protocol, location of

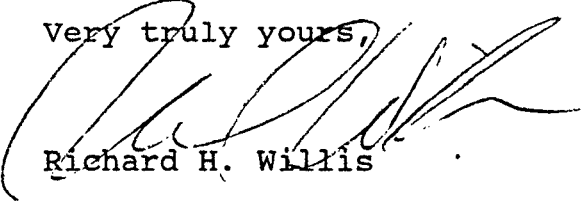
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samples, and parameters to be included in the overall analysis of the samples taken. As is required for a CERCLA remedial investigation, this plan was EPA-approved prior to implementation. In order that your sampling may generate reliable data, it may be beneficial for you to request that your samplers file a similar work plan with EPA (setting forth the terms described above) and for them to adhere to this plan. As previously stated, failure to follow established sampling protocol may subject the data to a dispute over its reliability and admissibility.

Nassau and AT&T will not provide voluntary access to the site absent your agreement to the conditions cited above and receipt of the requested information. Accordingly, please inform us in writing at your earliest convenience of whether you agree to the conditions imposed, and include the necessary information requested. Should the terms be met, we can quickly arrange a mutually convenient inspection time and date.

Very truly yours,



Richard H. Willis

RHW:jr

cc: Joseph J. Chikowski  
Andrew Primerano  
Michael Towle

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